



Paper No. 7

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NEW YORK NY 10022

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DEC 20 2001

OFFICE OF PETITIONS

In re Application of :
Andrei Mikheev :
Application No. 09/823,284 :
Filed: March 30, 2001 :
Attorney Docket No. 3166/1G947 US1 :
Title: METHOD AND SYSTEM FOR :
GATHERING, ORGANIZING, AND :
DISPLAYING INFORMATION FROM DATA :
SEARCHES :

DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(b)

This is in response to the petition under 37 C.F.R. 1.47(b),
filed September 28, 2001.

The petition under 37 C.F.R. 1.47(b) is GRANTED.

The above-identified application was filed on March 30, 2001.
On May 18, 2001, applicant was mailed a "Notice to File Missing
Parts of Nonprovisional Application - Filing Date Granted,"
requiring, among other things, an executed oath or declaration
and a surcharge for its late filing. This Notice set a two-month
period for reply.

In reply, applicant filed the instant petition (and fee) and paid
the surcharge for late filing of the declaration. To make timely
this reply, applicant obtained a three-month extension of time.

A grantable petition under 37 C.F.R. 1.47(b) requires: (1) proof
that all of the inventors cannot be reached or refuse to sign the
oath or declaration after having been presented with the
application papers (specification, claims, drawings, oath or
declaration); (2) an acceptable oath or declaration in compliance
with 37 C.F.R. 1.63; (3) a showing that such action is necessary
to preserve the rights of the parties or to prevent irreparable
damage; (4) the petition fee; (4) a statement of the last known
address of the non-signing inventor; and (5) proof that the Rule
47(b) applicant has sufficient proprietary interest in the
subject matter to justify the filing of the application.

On petition, Attorney Chanah Brenenson has detailed the facts
relied on to conclude that the inventor refused to sign.
Accompanying the petition is the following supporting documentary
evidence: (1) a cover letter from the inventor dated August 30,
2001, stating that he did not believe that the invention set
forth in the above-identified application was "new" in view of
the prior art; (2) a copy of the declaration signed by the
inventor, but with the following provision crossed out and
initialed by the inventor:

that I do not know and do not believe that the same was ever known or used in the United States of America before my or our invention thereof or patented or described in any printed publication in any country before my or our invention thereof, or more than one year prior to this application, or in public use or on sale in the United States of America more than one year prior to this application...

Declaration of Andrei Mikheev, August 30, 2001. As such, the declaration was not effective.¹

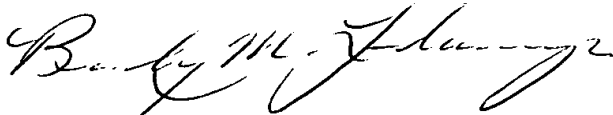
The declaration filed on September 28, 2001, and the petition have been reviewed and found to be in compliance with 37 CFR 1.47(b).

This application is hereby accorded Rule 1.47(b) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being forwarded to Technology Center 2100 for continued examination.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Cliff Congo at (703) 305-0272.



Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

¹ See 37 C.F.R. 1.63(a)(4).



UNITED STATES PATENT AND TRADEMARK OFFICE

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**OFFICE OF PETITIONS
LETTER**

Dear Mr. Mikheev:

You are named as the inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 CFR 1.47(b), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as the inventor.

As the named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, agent of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Cliff Congo at (703) 305-0272. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).


Beverly M. Flanagan
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Office of the Deputy Commissioner
for Patent Examination Policy

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